

D. N. UWY-CV14-6025333-S : SUPERIOR COURT/CLD
ROBIN SHERWOOD, ET AL : J.D. OF WATERBURY
V. : AT WATERBURY
STAMFORD HOSPITAL : FEBRUARY 8, 2016

**OBJECTION TO DEFENDANTS JOHNSON & JOHNSON'S AND ETHICON, INC.'S
FIRST SET OF INTERROGATORIES TO PLAINTIFFS**

The Plaintiffs, **Robin Sherwood and Greg Hoelscher**, hereby object to the Defendant, **Ethicon, Inc.**, on its own behalf and on behalf of its division **Ethicon Women's Health & Urology (formerly Gynecare)** (collectively "**Ethicon**"), and defendant **Johnson & Johnson's ("J&J")** First Set of Interrogatories dated January 28, 2016.

**DEFENDANTS JOHNSON & JOHNSON'S AND ETHICON, INC.'S
FIRST SET OF INTERROGATORIES TO PLAINTIFFS**

Pursuant to Practice Book §§ 13-6 et seq., Defendant Ethicon, Inc., on its own behalf and on behalf of its division Ethicon Women's Health & Urology (formerly Gynecare) (collectively "Ethicon"), and Defendant Johnson & Johnson ("J&J") hereby submit their First Set of Interrogatories to Plaintiffs.

Each Interrogatory is to be answered separately and fully, in writing, under oath, and signed by the individuals making the answers. Objections, if any, shall be signed by the attorney making them. These Interrogatories are deemed continuing so as to require supplemental answers should Plaintiffs or counsel obtain further information between the time

the answers are served and time of trial. These interrogatories are to be answered under oath within 30 days after receipt.

INSTRUCTIONS

1. In responding to the Interrogatories set forth below, please furnish all information in your possession and the possession of all other persons acting on your behalf. Each Interrogatory calls for not only your knowledge, but also all information that is available to you by reasonable inquiry and due diligence, including inquiry of your agents, representatives and attorneys.

2. These Interrogatories are to be regarded as continuing and you are requested to provide, by way of supplementary responses thereto, such additional information as may hereafter be obtained by you, or by any person on your behalf, which will augment or otherwise modify any answers given to the following Interrogatories.

3. If any of these Interrogatories cannot be responded to in full, please answer to the extent possible, specifying the reasons for your inability to answer the remainder and stating what information you do have concerning the unanswered portion.

4. If you contend that you are entitled to refuse to respond with respect to any or all documents or communications requested hereby on the basis of work product doctrine, attorney-client privilege, or other grounds, do the following with respect to each and every such document or communication: describe the nature or subject matter of the document or communication, state the date of the documented communication, identify the person who

sent the document and the person who received the document or participated in the communication, identify all persons who have been shown the document or to whom the document was sent, and state the basis upon which you contend you are entitled to refuse to answer with respect to the document or communication.

DEFINITION OF TERMS

As used throughout these Interrogatories, the following definitions will apply.

1. “Custody” means having possession, charge, authority, custody or control.
2. “Person(s)” means any individual, corporation, proprietorship, partnership, association, company, government agency (whether federal, state or local or any agency of the government of a foreign country, or any other entity).
3. “Document(s)” means any designated documents or electronically stored information – including writings, drawings, graphs, charts, photographs, sound recordings, images, phono-records, and other data or data compilations – stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. Document(s) shall therefore be construed to include, but not be limited to, the following: all written or graphic matter, however produced, or reproduced, of every kind and description in the actual or constructive possession, custody or control of Plaintiffs including without limitation all writings, drawings, graphs, charts, photographs, sound tapes or recordings, announcements, bulletins, press releases, papers, books, accounts, letters, microfilm, magnetic tape, magnetic disks, magnetic strips, optical character, recognition characters, punched paper tapes, microfiche, punched cards, telegrams,

voices, statements, account recommendations, notes, minutes, inter-office memoranda, reports, studies, contracts, ledgers, books of account, vouchers, hotel charges, cost sheets, stenographer notebooks, calendars, appointment books, diaries, time sheets or logs, computer printouts, web site content, blog entries, email messages, text messages, instant messages, computer files, computer disks or removable drives, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form, or any other tangible things that constitute or contain matter within the scope of Practice Book § 13-2.

4. “Including” shall be interpreted so as to expand the meaning or interpretation of a term or question and shall not be interpreted in a restrictive manner.

5. “And” and “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside the scope.

6. In construing these Interrogatories the plural shall include the singular, the singular shall include the plural, and the masculine, feminine or neutral pronoun shall not exclude the other genders.

7. “Identify” when referring to a document or other tangible thing, means to state the description of such document or other tangible thing in sufficient detail to enable them to be identified by subpoena *duces tecum*. To the extent known, provide the following information:

(a) type of document;

- (b) the general subject matter;
 - (c) the date of the document;
 - (d) the authors, addressees and recipients;
 - (e) the location of the document; and
 - (f) whether the document has been destroyed, and if so, the:
 - (1) date of the destruction; and
 - (2) reason for its destruction.
8. “Identify” or “identify” when referring to a person, means to state:
- (a) the full name;
 - (b) the last known residence address and business address;
 - (c) the telephone number;
 - (d) if the present residence or business address is unknown, state last-known residence address and residence telephone number, last-known business affiliation and business address, along with any information you have that might reasonably lead to the discovery of present whereabouts; and
 - (e) present job title.
9. “Date” means the exact day, month and year, if ascertainable, or if not, the best approximation (including relationship to other events).
10. “Claim” means any claim for workers’ compensation, Social Security benefits, litigation, or claim submitted to any insurer or third party for damages.

11. “Plaintiff,” “You,” and/or “Your,” unless otherwise indicated, refers to Plaintiff Robin Sherwood and Plaintiff Greg Hoelscher in this action, and all persons acting or purporting to act on their behalf.

12. “Robin Sherwood” refers to the named Plaintiff, Robin Sherwood, and all persons acting or purporting to act on her behalf.

13. “Ethicon” or “Defendant” refers to Ethicon, Inc., on its own behalf and on behalf of its division, Ethicon Women’s Health and Urology Division of Ethicon, Inc., and Johnson and Johnson.

14. “J&J” refers to defendant Johnson & Johnson.

15. “Defendants” refers to all named co-defendants named in this Complaint.

16. “Ethicon Mesh Product” refers to the mesh product(s) Ethicon produced which forms the basis of Plaintiffs' Complaint.

17. “Mesh Product” refers to any mesh product manufactured by Ethicon or other co-defendants, which forms the basis of Plaintiffs’ Complaint.

18. “Surgery” or “Surgeries” refers to the surgery performed on Robin Sherwood on or about April 12, 2006, which form the basis of Plaintiffs' Complaint.

19. “Complaint” means the Complaint filed in this case and all supplements and amendments thereto.

20. “Physician” or “healthcare provider” shall include all persons with medical degrees, chiropractors, osteopaths, or other members of the healing arts, whether or not specialists in any particular field.

INTERROGATORIES

INTERROGATORY NO. 4:

Identify any and all communications that have taken place between You, or anyone acting on Your behalf, and Ethicon, or anyone acting on Ethicon’s behalf.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and seeks information protected by attorney client privilege and seeks information not reasonably calculated to lead to admissible evidence.

INTERROGATORY NO. 5:

Please identify by name, address, and telephone number each person having knowledge or information regarding the facts, circumstances, injuries, damages, or allegations contained in Your Complaint and provide a brief summary of the facts about which they are knowledgeable.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. There is no way for Plaintiff to identify each and every person on the planet that has any information regarding her condition and the defective nature of the mesh implanted into her.

INTERROGATORY NO. 8:

Describe the medical conditions and symptoms Robin Sherwood experienced that led to the implantation of the Mesh Products, specifying the nature, consequence and severity of your symptoms, all gynecological/urinary conditions with which you were diagnosed, and the name and address of the diagnosing and treating physician(s).

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and seeks expert information beyond the knowledge of Plaintiff. Notwithstanding said objection, Plaintiff will provide medical records in accordance with our rules.

INTERROGATORY NO. 25:

List any and all surgeries Robin Sherwood has had and any in-patient hospitalizations Robin Sherwood had before and after implantation of the Ethicon Mesh Product, including child births whether vaginal or by Caesarean section. Identify when they took place, the name of the facility where they took place, name of physician who performed the surgery and reasons for and outcome of any surgery.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and seeks information not reasonably calculated to lead to admissible evidence.

INTERROGATORY NO. 31:

Identify any medications (either over-the-counter or prescription) Robin Sherwood has taken for more than 2 months at a time, within the last 5 years prior to implantation of the

Ethicon Mesh Product until the present. Specifying the purpose for which it was taken, set forth the average quantity consumed per day and any adverse reactions that occurred.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and seeks information not reasonably calculated to lead to admissible evidence.

INTERROGATORY NO. 35:

Identify the amount of Your alleged economic damages, identifying what portion, if any, has already been paid and by whom.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and seeks information not reasonably calculated to lead to admissible evidence.

INTERROGATORY NO. 40:

Identify all social networking media and forums, including but not limited to Facebook, Twitter, MySpace, LinkedIn, YouTube, blogs, and other web sites to which content may be posted, to which You subscribe or have subscribed, in which You have or have ever had an account or webpage, or in which You otherwise participate or have participated. Further provide any and all user names and/or screen names associated with Your use of any such sites; the applicable URL(s) for accessing such sites including any vanity URLs; the email address(es) associated with Your use of those sites; and state Your current and historical privacy settings for Your account(s) with such sites, and the Date and reason for any changes to those privacy settings.

OBJECTION:

Plaintiff objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and seeks information not reasonably calculated to lead to admissible evidence. This interrogatory further requests information that is beyond the scope of discovery.

THE PLAINTIFF,

BY /s/ Jacqueline E. Fusco
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CERTIFICATION

This is to certify that a copy of the foregoing was Emailed this date, to all counsel of record.

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